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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,616	01/31/2006	Wolfgang Fey	AP10949	7428
52203	7590	09/18/2008	EXAMINER	
CONTINENTAL TEVES, INC.			PATIDAR, JAY M	
ONE CONTINENTAL DRIVE			ART UNIT	
AUBURN HILLLS, MI 48326-1581			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,616	Applicant(s) FEY ET AL.	
	Examiner JAY M. PATIDAR	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/31/06</u> . | 6) <input type="checkbox"/> Other: ____. |

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: G,3,5,6 (fig. 1-3). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. Claims 11-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable

one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The scope of the claim is not clear since it is unclear as to what generates magnetic flux; whether an inductive element e.g. coil is on the solenoid or mounted separately; how a measuring signal is adjusted; what changes or modifies said magnetic flux; How the measured signal is maintained constant; why said signal is maintained constant; What is the use of determining the magnetic flux? How a time is determined during which a drive signal is triggered; how said time is used in determining the flux i.e. the relationship of said time with the flux. There is no structural connection or relationship is set forth between the claimed elements. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The scope of the claim is not clear. The specification contains confusing description of the invention and does not set forth the connecting steps in order to understand the invention.

4. Claims 11-14,17-20 are objected to because of the following informalities:

In claim 11, it is vague as to how a measuring signal is adjusted (line 4); what a measuring element is and how it cooperates with other elements of the device; the phrase "voltage prevailing at the inductive component" is not clearly

understood; there is no circuit connections or relationship among circuit elements set forth in order to understand the invention. The scope of the claim is uncertain;

In claim 12, it is vague as to what a circuit arrangement is; what an electric signal (20) is;

In claim 13, there is no antecedent basis for "drive stage"; what a correcting variable is;

In claim 14, it is unclear as to what a time signal is; there is no antecedent basis for "time signal";

In claim 17, the phrase "the indicator ...pressure sensors" is not understood;

In claim 18, it is unclear as to what is meant by the phrase "inductive actor"; what is an measuring element; the phrase "at a substantially constant voltage" is not understood; the scope of the claim is uncertain; there is no structural connection or relationship is set forth between the claimed elements.

In claim 19, it is unclear as to how the signal is sent to a control circuit;

In claim 20, what the actor component is.

Appropriate correction is required

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-20 (insofar as understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Stupak, Jr. (US 4,66,5348).

Stupak discloses a method for sensing and controlling the position of a variable reluctance actuator including a measured signal induced by the magnetic flux is evaluated wherein the measuring signal includes at least one of a voltage applied to the inductive element. Stupak discloses the output signal from the measuring device being supplied to the control circuit (figs. 2,3,6; note abstract/whole document; e.g. col. 7. lines 3-23).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAY M. PATIDAR whose telephone number is (571)272-2265. The examiner can normally be reached on M-Thur 8:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assoud can be reached on 571-272-2210. The

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jay M. Patidar/
Primary Examiner
Art Unit 2862
September 11, 2008